

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED

OCT 25 2018

Clerk, U.S District Court
District Of Montana
Missoula

UNITED STATES OF AMERICA,
Plaintiff,

vs.

JEREMY DOUGLAS SMITH,
Defendant.

CR 18-44-M-DLC

FINDINGS AND
RECOMMENDATION
CONCERNING PLEA

The Defendant, by consent, has appeared before me under Fed. R. Crim. P. 11 and has entered a plea of guilty to one count of the possession with the intent to distribute methamphetamine in violation of 21 U.S.C. § 841(a)(1) as set forth in Count II of the Indictment, and to one count of the possession of a firearm in furtherance of a drug trafficking crime in violation of 18 U.S.C. § 924(c)(1)(A)(i) as set forth in Count III of the Indictment. Defendant further agrees to the forfeiture allegation in the Indictment. In exchange for Defendant's plea, the United States has agreed to dismiss Count I of the Indictment.

After examining the Defendant under oath, I have made the following determinations:

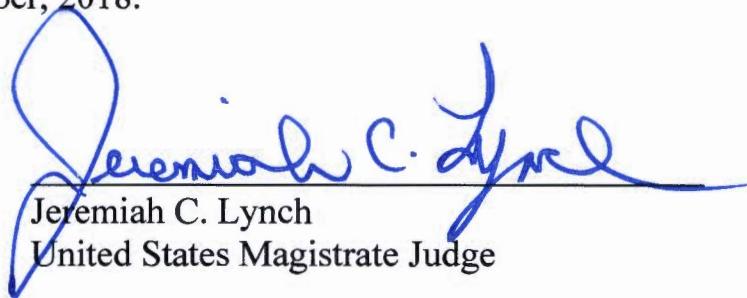
1. That the Defendant is fully competent and capable of entering an informed and voluntary plea to the criminal offenses charged against him, and an informed and voluntary admission to the allegation of forfeiture;
2. That the Defendant is aware of the nature of the charges against him and the consequences of pleading guilty to the charges;
3. That the Defendant understands the allegation of forfeiture and the consequences of admitting to the allegation;
4. That the Defendant fully understands his constitutional rights, and the extent to which he is waiving those rights by pleading guilty to the criminal offenses charged against him, and admitting to the allegation of forfeiture;
5. That both his guilty pleas to the criminal offenses charged against him, and his admission to the allegation of forfeiture are knowingly and voluntarily entered, and are supported by independent factual grounds sufficient to prove each of the essential elements of the criminal offenses charged and the legal basis for the forfeiture.

The Court further concludes that the Defendant had adequate time to review the Plea Agreement with counsel, that he fully understands each and every provision of the agreement and that all of the statements in the Plea Agreement are true. Therefore, I recommend that the Defendant be adjudged guilty of Counts II

and III of the Indictment, that sentence be imposed, and that the agreed forfeiture be imposed against Defendant. I further recommend that Count I of the Indictment be dismissed.

This report is forwarded with the recommendation that the Court defer a decision regarding acceptance until the Court has reviewed the Plea Agreement and the presentence report.

DATED this 25th day of October, 2018.



Jeremiah C. Lynch
United States Magistrate Judge